

## Pape, Zachary

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**From:** Arbes, Carl  
**Sent:** Monday, February 07, 2005 1:59 PM  
**To:** Pape, Zachary  
**Subject:** RE: 10808358

Hello again Mr Pape

In the event that applicant elects either the method claims (Claims 16-24) or the claim to the means i.e. claim 25, you should transfer the application to my SPE, Peter Vo, Art Unit 3729 and not me with a copy of your request (or note) to me. Please be sure, however, that if there is a written response from the applicant and s/he elects either the method or the apparatus claim you immediately transfer the application to SPE Vo. It is not as good policy to allow Applicant's written response to your restriction be carried on your docket for a long time i.e. weeks after the written response has been filed here. If that occurs we will receive negative work flow points and therefore will be more reluctant to accept the transfer.

Please also be aware that If the applicant elects over the telephone and chooses either the method claims or the means-plus-function claim, then in that case you still have the duty to write the restriction and e-mail it to us so that we can incorporate it into an Office Action on the merits.

Thanks again,

Carl J. Arbes

-----Original Message-----

**From:** Pape, Zachary  
**Sent:** Monday, February 07, 2005 1:39 PM  
**To:** Arbes, Carl  
**Subject:** RE: 10808358

Carl,

Thanks for the very detailed response, this is very helpful for newer examiners such as myself.

If I restrict the case and the applicant elects the method claims, would you be the examiner who I would transfer the case to, or would it be another examiner(s)?

Thanks again Carl!

Zack Pape

-----Original Message-----

**From:** Arbes, Carl  
**Sent:** Monday, February 07, 2005 1:20 PM  
**To:** Pape, Zachary  
**Subject:** RE: 10808358

Hello Mr Pape,

It appears that claims 16-24 would be classifiable in 29/832 and the claim 25 (which has to be a means-plus-function (or apparatus) and not a method claim would be in 29/739. (you will note that applicant's attorney is quite creative with claim 25. It appears that s/he should have recited ...A means of..., or An apparatus of.. or the like!!

If I were you I would restrict 3 ways. The method claims do not require a plurality of external walls. Moreover the Group III invention (Claim 25) is not required to manufacture the Group I (article) or Group II (method claims 16-24) since one can just as well perform the method by hand..

Have a nice day,

Carl J. Arbes,  
Senior Patent Examiner  
Art Unit 3729

-----Original Message-----

**From:** Pape, Zachary  
**Sent:** Monday, February 07, 2005 10:09 AM  
**To:** Arbes, Carl

**From:** Arbes, Carl  
**Sent:** Monday, February 07, 2005 1:20 PM  
**To:** Pape, Zachary  
**Subject:** RE: 10808358

Carl J. Arbes,  
Senior Patent Examiner  
Art Unit 3729

**Zachary M. Pape**  
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**Subject:** 10808358

Carl,

Please take a look at claims 16-25 to see if this is worth restricting. 1-15 are structural claims which I will examine if a restriction is done and if they are elected by the examiner.

Thanks Carl!

**Zachary M. Pape**

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